

## **WARREN COUNTY BOARD OF SUPERVISORS**

COMMITTEE: **CRIMINAL JUSTICE**

DATE: **JULY 27, 2006**

### **Committee Members Present:**

Supervisors Tessier  
Bentley  
O'Connor  
Stec  
Kenny  
Mason  
VanNess

### **Others Present:**

Kate Hogan, District Attorney  
John Wappett, Public Defender  
Amy Bartlett, First Assistant County Attorney  
John Adams, Probation Department Supervisor  
William Thomas, Chairman  
Joan Parsons, Commissioner of Administrative  
and Fiscal Services  
Joan Sady, Clerk of the Board  
Supervisor Barody  
Supervisor Geraghty  
Supervisor F. Thomas  
Larry Cleveland, Sheriff  
Maury Thompson, The Post Star  
Nicole Livingston, Second Deputy Clerk

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Mr. Tessier called the meeting to order at 10:30 a.m

Motion was made by Mr. Bentley seconded by Mr. Kenny, and carried unanimously to approve the minutes of the June 29, 2006 meeting, subject to correction by the Clerk.

Privilege of the floor was extended to John Wappett, who noted he did not have an Agenda. Mr. Wappett distributed a handout to the Committee members entitled "Salary Comparisons for Warren County Public Defender's Office 2006", a copy of which is on file with the minutes.

Mr. Wappett apprised things were going very well in his Department and he was very pleased with his staff. He added that his staff had received training over the past year and the addition of Bob Snyder, Investigator, to the staff had made their work much more efficient. He noted that the Courts had been taking advantage of the degree of flexibility that his staff provided for them because there were a number of cases that the Courts could shift on a moments notice due to the fact that his staff was there to do it.

Mr. Wappett expounded that the only change he was asking for in the upcoming budget would be an 8% increase in his staff's salaries. He noted that the total on an annualized basis would be an increase in the budget of approximately \$22,000. He added that the Indigent Services Fund from New York State had come in higher than the anticipated \$112,000 that they had received the previous year. He further stated that the Indigent Services Fund that was received was for an amount of \$168,000,

which allowed an additional \$56,000 to go into the County's General Fund.

Mr. Wappett requested that the salary adjustments be put into effect in September, which would be a change in this years budget of approximately \$8,000. He noted that based on the statistics, the case load would continue to grow. He added that he would not be requesting any salary increases or personnel changes for 2007.

Kate Hogan, District Attorney, apprised that retention in government sector was extremely difficult because it required experienced people and she added that Mr. Wappett's staff was doing a great job. She further noted that she thought the increase in salaries was an appropriate allocation of taxpayer dollars.

Mr. Kenny expounded that the salary comparison that Mr. Wappett provided was more compelling than anything else. Mr. VanNess asked Mr. Wappett if his Assistants were all full-time and Mr. Wappett replied they were full-time with the exception of his Fourth Assistant, who was part-time at 35 hours per week. Mr. Wappett added that if his request was approved he would like to shift his Fourth Assistant to full-time and readjust the hourly rate to reflect that.

Mr. Tessier questioned if this was approved to become effective in September would it carry into the 2007 County budget and Mr. Wappett responded he would like this to go into effect before the end of the year, but he would be asking for any additional increases for the coming year.

Joan Parsons, Commissioner of Administrative and Fiscal Services, stated that based on the resolution that was passed by the Board regarding salary increases, Mr. Wappett had come to her a month ago and she had asked him very specific questions in regards to comparisons of other counties, which he had been working on. She said that she had been concerned when Mr. Wappett took over the Public Defender's Office because there were attorneys that were assigned very specific duties and there was very little cross-training. She noted that Mr. Wappett had successfully cross-trained his Office, which had not been done before, and that was important for the retention of the staff.

Mr. O'Connor echoed the concern of giving an 8% raise now and in January having an additional 3% increase included. He noted that Mr. Wappett had clarified that would not happen. He asked Mr. Wappett if he had the \$8,000 to cover the increases from September 1 through the end of the year. Mrs. Parsons replied that Mr. Wappett would increase both sides of the budget based on the additional revenue that was brought in. Mr. Wappett added that the \$56,000 excess went into the County General Fund, which was part of the \$168,000 from the Indigent Services Fund, and that \$8,000 would come out of that \$56,000 for this year.

Mr. F. Thomas entered the meeting at 10:48 a.m.

Mr. Stec suggested that the Committee endorse Mr. Wappett's request in concept pending the receipt of additional information, and to forward the same to the Personnel Committee.

Mr. Kenny questioned if the 8% increase was approved, would the 3% automatically be added on after January 1, 2007. Mrs. Parsons responded that would not happen because the outside bargaining salaries were controlled and the Budget Officer would make the recommendations and based on the Committees recommendation, she would tell him that there would be no adjustments to those salaries.

A motion was made by Mr. Stec, seconded by Mr. VanNess and carried by majority vote, with Mr. Mason voting in opposition, to approve the 8% increase for the staff in the Public Defender's Office, pending the receipt of additional information, and to forward the same to the Personnel Committee.

Privilege of the floor was extended to Amy Bartlett, First Assistant County Attorney, to review Local Law No. 7 of 2006, regarding the restrictions on sex offenders. Ms. Bartlett apprised she had added the penalty of misdemeanor to the Local Law and the District Attorney's Office would prosecute any violations as a misdemeanor. She noted that she had also made the restrictions consistent throughout the Law and the restrictions were the same as the exemptions and the purpose. However, she said, she had researched the 'grandfather clause' and Constitutionally, it could not be changed. She further stated that the 1,000 foot restriction was what was accepted in New York State and she was researching whether or not that could be extended.

Mr. VanNess questioned if the Local Law was in effect at this time and Ms. Bartlett replied affirmatively. He questioned if the amendments to the Law were in effect as well and Kate Hogan, District Attorney, responded the amended Local Law would require another Public Hearing before the amendments would be in effect.

Mr. Bentley left the meeting at 10:53 a.m.

Discussion ensued regarding the restrictions on sex offenders as outlined in the Local Law.

Ms. Bartlett expounded a resolution would be required to accept the amended Local Law and to authorize a Public Hearing.

A motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to approve the amendments to Local Law No. 7 of 2006 as outlined above and the necessary resolution was authorized for the next board meeting.

Ms. Bartlett left the meeting at 10:58 a.m.

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed

an Agenda to the Committee members, a copy of which is on file with the minutes.

Ms. Hogan apprised that the first four items on her Agenda were resolution requests that were reflective of what had previously been approved. She stated Items 1 and 2 on the Agenda were in regards to increasing the hours of the District Attorney Investigators. She said that the computation in the salaries was incorrect. She noted that she also needed to reflect the revenue that she had to cover these increases. She added that the Aid to Prosecution Contract money from 2002 that was unused would cover the increases.

Ms. Hogan expounded she had a resolution request to extend the Aid to Prosecution Contract to allow the District Attorney's Office to accept the \$17,489.08 from the 2002 unused grant money. She added she had another request to amend the 2006 County budget to accept the \$17,489.08 from the 2002 contract and to put that money in the Narcotic Control Investigator full time salary code.

A motion was made by Mr. Stec, seconded by Mr. Mason and carried unanimously to approve the request to correct the salary amounts for the District Attorney Investigators, and to forward the same to the Personnel Committee. Copies of the resolution request forms are on file with the minutes.

A motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to extend the Aid to Prosecution Contract to allow the District Attorney's Office to accept \$17,489.08 from the 2002 unused grant money. The necessary resolution was authorized for the next Board meeting and a copy of the resolution request form is on file with the minutes.

A motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to amend the 2006 County budget to accept the \$17,489.08 from the 2002 contract and put it in the Narcotic Control Investigator full time salary code, and to forward the same to the Finance Committee. A copy of the resolution request form is on file with the minutes.

Ms. Hogan stated Item 5 on the Agenda was a request to transfer funds that were inadvertently allocated from Code A.1165 220 Office Furniture to Code A.1165 440 Legal/Transcript fees in the amount of \$30,000. She further explained that these funds would be used to pay for medical expert fees in upcoming trials and to supplement the transcription service fees for the remaining year.

A motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to approve the request as outlined above and to forward the same to the Finance Committee. A copy of the Request for Transfer of Funds is on file with the minutes.

Concluding her Agenda review, Ms. Hogan apprised she had a request to fill the vacant position of the Senior Crime Victim Assistant, base salary of \$34,975, due to

resignation.

A motion was made by Mr. Kenny, seconded by Mr. Mason and carried unanimously to approve the request as outlined above and to forward the same to the Personnel Committee. A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.

Privilege of the floor was extended to John Adams, Probation Supervisor, who was present on Mr. Iusi's behalf.

Mr. Adams apprised he had a resolution request to authorize Probation Supervisor Mark Sager to attend the Adult Treatment Court Training in Tulsa, Oklahoma from August 14 through August 18, 2006. He noted that all costs (food, transportation and lodging) would be paid for by the Bureau of Justice Assistance (BJA).

A motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the request for out-of-state travel as outlined above. The necessary resolution was authorized for the next Board meeting and a copy of the resolution request form is on file with the minutes.

There being no further business to come before the Committee, on motion by Mr. VanNess and seconded by Mr. Kenny, Mr. Tessier adjourned the meeting at 11:02 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk